



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

NASHUA POLICE COMMISSION, CITY OF
NASHUA, NEW HAMPSHIRE

Petitioner :

v. :

INTERNATIONAL BROTHERHOOD OF POLICE
OFFICERS

Respondent :

CASE NO. P-0741

DECISION NO. 86-39

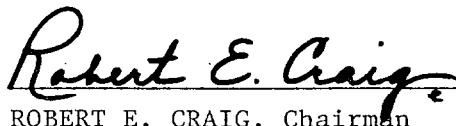
ORDER DENYING MOTION FOR REHEARING

On May 14, 1986, PELRB entered into a unanimous decision whereby it granted the petition filed by IBPO for a unit composed of superior officers of the Nashua Police Department; namely, Lieutenants, Captains and Sergeants and, ordered that an election be held as expeditiously as possible.

Corporation Counsel for the City of Nashua filed a Motion for Re-hearing on the basis that the decision was unreasonable and unlawful wherein it found that the amount of supervision was not significant enough to warrant exclusion of lieutenants and captains from an all-supervisory unit; that the ruling was contrary to that found in the AFSCME v. Town of Conway case relative to the degree of supervision; and, that allowing representation by IBPO for both superior officers and patrolmen was also contrary to the spirit of the City of Concord v. PELRB, 119 NH 725 (1979), wherein the court held that RSA 273-A was intended to keep supervisory personnel separate from rank and file.

After careful review of the testimony and evidence at the April 10, 1986 hearing and the Conway and Concord Firefighters case, PELRB reaffirms its original decision and orders that the Motion be and same hereby is DENIED.

Signed this 12th day of June, 1986.


ROBERT E. CRAIG, Chairman

By unanimous vote. Chairman Robert E. Craig presiding, members James C. Anderson, Seymour Osman, Richard E. Molan and Richard W. Roulx voting. Also present, Executive Director Evelyn C. LeBrun